

## **REMARKS**

### **1. Status of Claims**

This communication is responsive to the Office Action dated September 26, 2003. In this Office Action, the Examiner objected to the abstract of the disclosure and the title of the invention. In addition, the Examiner rejected claims 1-14 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner further rejected claims 1, 4-5, 9-10, and 13 under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 6,106,213 (“Denker”). The Examiner additionally rejected claims 2-3, 6-8, 11-12, and 14 under 35 U.S.C. § 103(a) as being unpatentable in view of Denker alone or in combination with U.S. Pat. No. 1,802,812 to Gratz. For the reasons stated below, Applicants respectfully traverse these rejections.

### **2. Objections to the Specification**

The Examiner objected to the abstract of the disclosure because the phrase “to latching rod” was grammatically awkward and confusing. Accordingly, Applicants have amended the abstract to correct any grammatically awkward and confusing phrases and respectfully request the Examiner to withdraw this objection.

Additionally, the Examiner objected to the title of the invention as not being descriptive. Accordingly, Applicants have amended the title of the invention to be indicative of the invention to which the claims are directed.

**3. Rejection of Claims 1-14 Under 35 U.S.C. § 112, Second Paragraph**

The Examiner rejected claims 1-14 under 35 U.S.C. § 112, second paragraph, as being indefinite. Accordingly, Applicants have amended the claims to meet the deficiencies noted by the Examiner. Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claims 1-14 under 35 U.S.C. § 112, second paragraph.

**4. Rejection of Claims 1, 4-5, 9-10, And 13 Under 35 U.S.C. § 102(b)**

In the Office Action, claims 1, 4-5, 9-10, and 13 were rejected under 35 U.S.C. § 102(b) as being anticipated by Denker. For the reasons discussed below, such a rejection is improper.

Independent claim 1 is directed to a device for opening a door. The device comprises a receptacle structure, a latching rod, and a sliding assembly coupled to the latching rod. The receptacle structure has a top surface, an angled guiding surface, an angled protrusion formed by the top surface, and a receptacle formed between the top surface and the angled guiding surface. The latching rod is initially positioned at least partially within the receptacle, and movement of the sliding assembly causes the latching rod to move towards an opening of the receptacle. This movement causes the latching rod to contact the angled protrusion, thereby pushing the receptacle structure and the door toward a partially open position. It is the interaction between the rod and the angled protrusion that causes the door to move to a partially open position. The interaction between the rod and the angled protrusion further causes the latching rod to navigate across the angled guiding surface, thereby moving the door toward a further partially open position.

Unlike the claimed invention, there is no rod that interacts with an angled protrusion to move the door assembly of Denker to a partially opened position. Rather, it is the interaction of

the pivot cam roller within the S-shaped cam surface that causes the door assembly to move to an opened position. The alleged "angled protrusion" of Denker does not even come in contact with the roller of Denker; thus, there is no interaction between the roller and the alleged protrusion. For this reason alone, Denker fails to anticipate claim 1 and any claims dependent thereon.

Further, the roller of Denker does not navigate across an angled guiding surface. The alleged angled guiding surface of Denker does not interact with the roller to cause the door assembly to move to a further partially open position. For this additional reason, Denker does not anticipate claim 1 and any claims dependent thereon. Thus, Applicants respectfully request that the rejection of claims 1-3 be withdrawn and the claims passed to issue.

Independent claims 5, 8, 9 and 10 include limitations similar to those of claim 1. Thus, for the same reasons given above, Denker, either alone or in combination, fails to anticipate claims 5, 8, 9, and 10 and any claims dependent thereon.

### **CONCLUSION**

Applicants submit that the application is now in condition for allowance and respectfully request early notice to this effect. If any questions or issues remain, the Examiner is invited to contact the undersigned at her direct dial number (312) 913-2366.

Respectfully submitted,

**McDONNELL BOEHNEN  
HULBERT & BERGHOFF**

Date: 2-17-04

By: Anthoula Pomrening  
Anthoula Pomrening  
Registration No. 38,805